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7  
8 BEFORE THE  
9 CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues Against:

Case No.

12 LOURDES PRIMNE DELMO  
3151 Soaring Gulls Dr., #2149  
13 Las Vegas, NV 89128

O.A.H. No.

14 Respondent.

STATEMENT OF ISSUES

15  
16 Complainant alleges:

17 PARTIES

18 1. Heather Martin (Complainant) brings this Statement of Issues solely in her  
19 official capacity as the Executive Officer of the California Board of Occupational Therapy,  
20 Department of Consumer Affairs.

21 2. On or about February 2, 2005, the California Board of Occupational  
22 Therapy, Department of Consumer Affairs received an Initial Application for Licensure for  
23 Occupational Therapist License from Lourdes Primne Delmo (Respondent). On or about January  
24 29, 2005, Lourdes Primne Delmo certified under penalty of perjury to the truthfulness of all  
25 statements, answers, and representations in the application. The Board denied the application on  
26 November 2, 2005.

27 JURISDICTION

28 3. This Statement of Issues is brought before the California Board of

Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2570.28 states:

"The board may deny or discipline a licensee for any of the following:

"(a) Unprofessional conduct, including, but not limited to, the following:

....

"(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of this chapter or any regulation adopted pursuant to this chapter.

"(d) Making or giving any false statement or information in connection with the application for issuance or renewal of a license.

.....

"(g) Impersonating a licensed practitioner, or permitting or allowing another unlicensed person to use a license.

....

"(o) Committing any act that would be grounds for denial of a license under Section 480.

5. Section 2570.27. of the Code states:

"(a) The board may discipline a licensee by any or a combination of the following methods:

"(1) Placing the license on probation with terms and conditions.

"(2) Suspending the license and the right to practice occupational therapy for a period not to exceed one year.

"(3) Revoking the license.

"(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

"(5) Taking other action as the board, in its discretion, deems proper.

1           "(b) The board may issue an initial license on probation, with specific terms and  
2 conditions, to any applicant who has violated any provision of this chapter or the regulations  
3 adopted pursuant to it, but who has met all other requirements for licensure."

4           6.       Section 480 of the Code states:

5           "(a) A board may deny a license regulated by this code on the grounds that the  
6 applicant has one of the following:

7           .....

8           "(2) Done any act involving dishonesty, fraud or deceit with the intent to  
9 substantially benefit himself or another, or substantially injure another; or

10          "(3) Done any act which if done by a licentiate of the business or profession in  
11 question, would be grounds for suspension or revocation of license.

12          .....

13          "(c) A board may deny a license regulated by this code on the ground that the  
14 applicant knowingly made a false statement of fact required to be revealed in the application for  
15 such license."

16          7.       Section 2570.6 subdivision (a) of the Code requires in pertinent part  
17 that an applicant applying for a license as an occupational therapist file with the board a written  
18 application provided by the board, showing to the satisfaction of the board that he or she meets  
19 certain requirements, including that the applicant is in good standing and has not committed acts  
20 or crimes constituting grounds for denial of a license under Section 480.

21          8.       Section 2570.18 subdivision (a) provides that on and after January 1, 2003,  
22 a person shall not represent to the public by title, by description of services, methods, or  
23 procedures, or otherwise, that the person is authorized to practice occupational therapy in this  
24 state, unless authorized to practice occupational therapy by the board. Subdivision (d) provides  
25 that the unauthorized practice or representation as an occupational therapist constitutes an unfair  
26 business practice under Section 17200 and false and misleading advertising under Section 17500.

27       ///

28       ///

1                                    FIRST CAUSE FOR DENIAL OF APPLICATION

2                                    (Knowingly Make A False Statement or Information)

3                    9.        Respondent's application is subject to denial under sections 2570.28,  
4 subdivision (d) and 480, subsection (c), on the grounds in that Respondent knowingly made or  
5 gave a false statement or information in connection with the application for the issuance of a  
6 license, as follows:

7                                    a.        On or about January 9, 2005, Respondent signed the application for  
8 Licensure/Certification, under penalty of perjury of the laws of the State of California that all of  
9 the information contained in the application were true and correct.

10                                   b.        "Section V: Professional Experience and/or Fieldwork" of the  
11 application asked that the applicant list all experience for the past five years, with the most recent  
12 first. Respondent failed to disclose as required, that for approximately one year, from on or  
13 about 2002 through 2003, she worked as an occupational therapist for Nancy Linda Press, a  
14 licensed Occupational Therapist, License No. 3018.

15                                    SECOND CAUSE FOR DENIAL OF APPLICATION

16                                    (Impersonating a Licensed Practitioner)

17                    10.       Respondent's application is subject to denial under sections 2570.28,  
18 subdivision (g) and 480, subsection (a)(2) and (3), on the grounds that Respondent practiced  
19 and/or impersonated a licensed occupational therapist. The circumstances are as follows:

20                                    a.        From in and about 2002 through 2003, Respondent practiced as a  
21 occupational therapist without a license. As of January 1, 2003, a license was required by law in  
22 order to practice as an occupational therapist. Respondent worked for Nancy Press and rendered  
23 occupational therapy treatments to clients that were patients at Lanterman Regional Center..

24                                    THIRD CAUSE FOR DENIAL OF APPLICATION

25                                    (Violation of Terms of Chapter)

26                    11.       Respondent's application is subject to denial under sections 2570.28,  
27 subdivision (c) for violation of sections 2570.6 and 2570.18), on the grounds that Respondent  
28 practiced and/or impersonated a licensed occupational therapist. The circumstances are:

1 a. From in and about 2002 through 2003, Respondent practiced as a  
2 occupational therapist without a license. Respondent worked for Nancy Press and rendered  
3 occupational therapy treatments to clients that were patients at Lanterman Regional Center.

4 b. Respondent, under penalty of perjury, in her application signed on  
5 or about January 9, 2005, she failed to disclose as required, that for approximately one year, from  
6 on or about 2002 through 2003, she worked as an occupational therapist for Nancy Linda Press, a  
7 licensed Occupational Therapist.

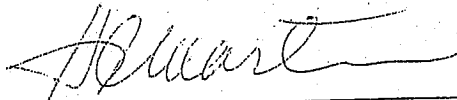
8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
10 alleged, and that following the hearing, the California Board of Occupational Therapy issue a  
11 decision:

12 1. Denying the application of Lourdes Primne Delmo for an Occupational  
13 Therapist License;

14 2. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: August 14, 2006

17  
18 

19 HEATHER MARTIN  
20 Executive Officer  
21 California Board of Occupational Therapy  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant